

**ARTICLE XXVI**  
**Seniors Housing Overlay District**

[Adopted 1998 Town Meeting]

**§309-173. Intent.**

It is the intent of this Article to recognize the need for granting provisions in certain districts of the Town of Salem whereby appropriate housing alternatives may be provided for: active adults age 55 and over; elderly persons living independently; frail elderly persons; elderly persons requiring skilled or specialty nursing facilities; and, provide appropriate supportive health care and services for older persons.

**§309-174. Purpose.**

This Article is intended to operate as a Seniors Housing Overlay District, and will prevail in lieu of the underlying zoning, in appropriate circumstances, as determined by the Town of Salem Planning Board, to provide housing opportunities for elderly persons, and provide opportunity for transitional uses between commercial districts, business districts, the town center district, and abutting residential districts.

**§309-175. Definitions.**

- A. Seniors. Persons age 55 and older.
- B. Elderly. Persons age 62 and older, as defined in federal regulations.
- C. Seniors Housing. A variety of housing types designed specifically to meet the varied needs of persons age 55 and older. Such housing may include, active adult facilities; independent living facilities; continuing care retirement communities (CCRC); assisted living facilities (ALF); congregate care facilities; nursing homes; skilled nursing facilities (SNF); and, Alzheimer's facilities.
- D. Active Adult Community. A community or living facility designed specifically for the interests of persons age 55 and older, which typically contains recreational amenities and support services for older adults who are healthy, active, and capable of completely independent living.
- E. Independent Living Facilities. Housing which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided. Typically multi-family residential structures.
- F. Continuing Care Retirement Community (CCRC). Cluster of a variety of housing options to meet the spectrum of needs and interests ranging from active adults through assisted living, often including on-premises skilled nursing facilities. CCRC's primary feature is the provision of "lifetime" supportive services at each stage of a senior's later life..

- G. Assisted Living Facility (ALF). Housing for frail elderly persons, typically age 75 to 85, who require limited supportive services for their daily living activities. ALF's typically require residents to be mobile and capable of performing most routine tasks.
- H. Congregate Care Facility. A congregate care facility is a group living facility for seniors who may or may not require assistance with daily living. Congregate care facilities tend to be limited in size and scope of services, often providing more intensive services than can be provided in an ALF, but requiring residents to have at least partial mobility and reasonably good health.
- I. Nursing Home. A group living facility providing basic domiciliary services and semi-skilled, rehabilitative nursing service for patients who have impaired mobility or health problems of a limited duration. Nursing homes may or may not cater exclusively to senior patients, and may provide rehabilitatory services for patients of all ages. (Revised 1999 Town Meeting)
- J. Skilled Nursing Facility (SNF). An institution providing primarily extended nursing care. (Amended 1999 Town Meeting)
- K. Alzheimer's Facility. A group living or health services facility providing health care and support services exclusively for residents requiring assistance with daily living due to a form of dementia, normally associated with aging, defined as Alzheimer's disease.

Cross References. NH RSA 151 and RSA 151-C contain specific definitions of residential care and health facilities requiring licensing. Applicants for development of projects in the Seniors Housing Overlay District must comply with all state and federal regulations applicable to these facilities. (Added 1999 Town Meeting)

**§309-176. Permitted Uses.** [Amended 2002 Town Meeting]

The following uses shall be permitted in the Seniors Housing Overlay District:

- A. A variety of housing types exclusively addressing the needs of senior citizens, including, but not limited to: active adult homes and facilities; independent living facilities; CCRC's; ALF's; congregate care facilities; nursing homes; and, skilled nursing facilities.
- B. Only single family detached dwellings shall be allowed in the Residential and Rural Districts. [Added 2004 Town Meeting]

**§309-176.1 Evaluation Criteria** [Added 2002 Town Meeting]

In considering plans submitted under this ordinance, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance and particularly in regard to achieving:

- A. Maximum safety of traffic access and egress, minimum on the capacity of existing roads and sufficient parking areas to provide for adequate off-street parking.
- B. A site layout which would have no adverse effect upon any properties in adjoining residential districts by impairing the established character or the potential use of properties in such districts.
- C. The reasonable screening of all parking lots, service areas, and multi-family housing developments from the view of adjacent residential properties and streets.
- D. Conformance of the proposed plan with the Salem Master Plan.
- E. Installation of public improvements and amenities, at the expense of the applicant, to assist in the establishment of a sound urban environment. Such improvements may include, but shall not be limited to, granite curbing, sidewalks and street trees, extension of utilities and, when deemed necessary, improvements to existing roadways and/or drainage systems in order to adequately serve the proposed project.
- F. Conformance of the building and all related signs and structures to the properties of the aesthetic character of the area, as determined by consideration of architecture, building size and type, scale of lot coverage, and consistency of uses in the immediate area.

**309-177. District Locations.** [Amended 2002 Town Meeting]

The primary intent of applying an overlay to established districts is to provide a compatible location for senior housing projects. Senior facility developers and operators may apply for any of the defined senior uses in §309-175, however the Planning Board shall have the sole authority for approval of a proposed project for a particular site based on the standards and criteria noted in this ordinance. A senior housing overlay district may be established on any parcel, or combination of parcels that has the following characteristics:

- A. A total land area appropriate to the use as set forth in §309-177 below, unless otherwise waived by the Planning Board, consistent with the interests of the community.
- B. Served by municipal sewer and water, or by private systems approved for community use by the Planning Board and the State of New Hampshire.
- C. Having frontage on an existing or proposed Class V town road of at least 200 feet, or access to a Class V town road through an adjoining commercially zoned or business-office property with conforming frontage on a Class V town road.
- D. Commercial A, Commercial-Industrial C Districts, or abutting or adjoining commercially zoned land; or Business-Office Districts. [Amended 2004 Town Meeting]
- E. Town Center District.

- F.. Notwithstanding the foregoing, the Planning Board may approve placement of an overlay in any rurally or residentially zoned area after employing the development standards in §309-177.

### **§ 309-178. Development Standards.**

A. General Standards.

1. Seniors facilities must be served by municipal water and sewer, or by private systems approved for community use by the Planning Board and the state of New Hampshire.
2. Facilities designed as dwelling units within the district may have a maximum of two bedrooms.
3. Open space shall consist of no less than 50% of the lot area.
4. A minimum setback of 50 feet shall be provided between any proposed structure and the perimeter of the property on all sides.

Design and architectural character.

1. Massing and style. Building massing and style must be distinctively residential in character, drawing on the historical design elements that are contextually consistent with regional New England architecture. Historical and traditional design elements are encouraged. Front yards which use boxwood hedges, evergreen hedges, traditional style picket fences, stone walls, or iron picket fences with granite curb and pilasters is encouraged. Fences or hedges should not exceed three feet in height at the fronts of buildings. Fences and landscaping to screen service areas may exceed this height, consistent with the intent and use of the space.
2. Roofs. Preference shall be given to roof pitches consistent with single family, residential design. New England traditional or vernacular styles are preferred. Material must be consistent with the architecture of the building. Composition shingle material is acceptable, providing that it is of high quality and provides architectural definition to the tab shingle to emulate traditional wood shingle styles. Tile, slate, or metal roofing is permitted, provided it is consistent with the architectural style of the building. Gutters and down spouts are encouraged to provide drainage away from foundations, but must be consistent with the other architectural elements of the building. The installation of chimneys on the roofs of all buildings is encouraged to convey the look and feel of residential use.
3. Facade element. Design of the facade shall be highly detailed and articulated to be compatible with the scale and sensitivity to the residential uses of the project. Facades should have a well defined foundation, a modulated wall element, and pitched roof or articulated cornice which

defines the character of the building, and provides relation to the human scale of typical family residences.

4. Entrances. Building entrances must comply with all current accessibility regulations, however the use of ramps and lifts is discouraged. Buildings should be designed with entrances that are barrier free for the intended residential or commercial uses. The use of sloping entry walks, covered entryways, porticos, arcades, and covered porches is encouraged. Where grade separation of an entrance is required because of site topography, accommodation should be provided in the architectural detail of the entry to allow barrier free use by building residents and visitors.
5. Door and window openings. Doors and windows form the transition from public to private space, and should reflect residential detailing in design and placement. The use of cornices, architectural moldings, side lights, transom lights, and raised panels in doors is encouraged. Window openings should vary between buildings, but should not be unbroken and continuous in any circumstance. The use of opening sash windows with true divided lights, or detailing to convey the character of divided lights is encouraged. The use of shutters consistent with the architecture of a building is encouraged. A wide range of material for doors and windows is acceptable, except that the use of commercial, anodized or painted aluminum or steel storefront assemblies is discouraged.
6. Materials and design elements. Material chosen for exterior elements should be consistent with the intent and use of materials traditionally found in residential design in New England. Siding materials such as clapboard and shingle are preferred, and the use of new materials which reduce maintenance, but emulate the look and feel of traditional materials is encouraged. The use of a variety of trim material to provide detail at the eaves, corners, gables, pediments, lintels, sills, quoins, and balustrades is encouraged. The use of bays, towers, cupolas, cross gables, and dormers to provide unique character to a building and provide articulation of the facade is encouraged. The color palette chosen for any building should be consistent with traditional residential colors.
7. Paving and curbing. Granite curbing, gray in color, is required on all public roads, and is preferred, except in areas of very low traffic volume where no curbing will be required. Rolled asphalt (Cape Code berm) curbing is unacceptable in all public ways. Curbing is to be sloped or cut to provide a barrier free transition at road crossings and building entrances. Paving which provides a non-skid surface and is contrasting in design, materials, or color is encouraged at all pedestrian crosswalks and walkways.
8. Parking. Parking lots in front setbacks are prohibited. Parking areas are to be to the side or rear of all buildings. Parking lot layout shall be planned to permit landscaping, buffering, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged.

Parking lot interiors shall be landscaped to provide shade and relief. In parking areas of eleven or more parking stalls, at least one tree of three inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways. Separate loading areas are required for service vehicles in all residential projects of twenty or more units and at all other facilities greater than 2500 square feet. In multi-family buildings of 20 or more units, at least one loading area must be provided for 20-50 units, and one additional loading area for each additional increment of 25 units. In other facilities, loading areas must be provide at the ratio of one space for each 10,000 square feet of building area on a site, except that all activities of 2500 square feet or more shall have at least one loading area provided. Loading areas must be at least 20 X 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

9. Parking ratios shall be as follows:

	<u>ratios per dwelling unit</u>
Adult Community	2.2:1
Independent Living Facilities	1.5:1
CCRC	2:1
ALF	1:1 plus 1:each employee
Congregate Care Facility	.5:1 plus 1:each employee
Nursing Home	.25:1 plus 1:each employee
SNF	.25:1 plus 1:each employee
Alzheimer's Facility	.25:1 plus 1:each employee

10. Signs. Permitted signs are to be as specified in § 309-85A for Residential, Rural, Recreational or Garden Apartment zones.
11. Lighting. Multi-halide lighting or color corrected sodium lighting is encouraged. Street lighting, except as required for vehicle entrances and public rights-of-way in §278.8 Q should be pedestal mounted or mounted on adjacent buildings at pedestrian scale heights between 10 and 14 feet. Lights should not illuminate adjacent properties, and caps or cutoffs must be provided to prevent direct lighting of abutting or adjacent properties.

The use of porch lights, gate post lights, and bollard lighting to illuminate walkways is encouraged.

12. Foundation planting and general landscaping. A broad range of foundation plants and general landscape planting is encouraged. The intent is to provide an intensity of landscaping that creates a residential character for any project in this district.

C. Height. Dwelling structures shall not exceed 35' in height. [Amended 2004 Town Meeting]

D. Development Density. [Amended 2002 Town Meeting] [Amended 2004 Town Meeting]

- i. Maximum allowable density shall be based on project location as follows:

Commercial-Industrial Districts – 10 units per acre [Amended 2004 Town Meeting]

Town Center District – 8 units per acre

Residential Districts – 4 units per acre

Business-Office Districts – 4 units per acre

Rural Districts – 2 units per acre

A density bonus of up to ten (10) percent of the total units allowed above may be granted by the Planning Board for projects which restrict the age of all occupants to age 62 and older. An additional density bonus of up to ten (10) percent may be granted by the Planning Board for projects of any size which dedicate a greater percentage of affordable units than required than required in Section 309-180F, but in no case may the total density bonus exceed twenty (20) percent of the total units otherwise allowed. [Added 2003 Town Meeting]

Density calculations shall be based on the amount of contiguous upland area of a lot. [Added 2004 Town Meeting]

- ii. The minimum lot size for all projects shall be ten (10) acres.

E. Open space requirements. Land within the parcel or lot which is not specifically covered by the buildings, roads, driveways, parking areas, or service areas, and not set aside as private yards, patios, or gardens for residents shall qualify as open space. Further, all open space shall be unobstructed and open to the sky. Flagpoles, sculptures, benches, swimming pools, tennis courts, atriums, trees, and similar objects shall not be considered obstructions. No more than 25% of the minimum required open space may lie within a wetland. The size, dimension, character, and location of open space shall be suitable to enable its enjoyment and use for conservation, recreation, or agricultural persons by residents or the community. Such restrictions regarding open space shall be in a form and

substance as the Planning Board may prescribe, and shall be recorded in an instrument enforceable by the Town.

- F. Single family detached dwelling units may be situated on individual lots, may be part of a detached condominium regime, or may be separate rental units. Single family detached projects within the district require a minimum parcel size of 10 acres. In the case of condominium units, condominium projects must be 75% owner occupied. If separate lots are created, they shall not be less than 10,000 square feet, and may have frontage on either town roads or private roads within the overlay district, in which case the roads shall be maintained by an owner's association. In the case of single family detached dwellings, the density of a district may not exceed one unit for each 10,000 square feet of lot area.
- G. Multi-family residential structures may be either condominium units or rental units, except that condominium units must be 75% owner occupied. More than one structure may be built on a lot in accordance with the density limits for the project type.

#### **§309-179. Special requirements.**

The implementation of Seniors Overlay Districts shall be overseen by the Town of Salem Planning Board. Under the provisions of RSA 674:21, the Planning Board may, by application for a special use permit, provide an exception from the development standards in §309-178 provided that:

- A. Such exception is consistent with the purpose and intent of this Article;
- B. The exception is in the public interest;
- C. The exception will not aggravate or worsen the impact on adjoining residential areas;
- D. The exception will provide a development opportunity that could not be otherwise obtained.

#### **§309-180 Restrictions.**

- A. "Private, non-profit" means a 501(C)(2) or 501(C)(3) non-profit organization as designated by the Internal Revenue Service.
- B. Residential facilities designed for exclusive occupancy by senior citizens, as a minimum, must meet federal regulations for such facilities.
- C. All occupants shall be age 55 or older. [Amended 2004 Town Meeting]
- D. A unit occupied by surviving members of a household, in which the head of household met the age requirements at time of death, may continue to be occupied by surviving household members regardless of age.



- E. Residency restrictions for residential projects within the Seniors Housing Overlay District shall be accomplished by restrictions recorded in Condominium Declarations, Restrictive Covenants, or other documents recorded in the Rockingham Registry of Deeds. All such covenants shall be subject to review by Town Counsel and shall include enforcement provisions in favor of the Town.
- F. At least 10% of the total dwelling units in all projects shall be dedicated as affordable to low and moderate income households, defined as being available at a cost of no more than 30% of gross household income of households at or below 80% of the Lawrence, MA. PMSA – NH Portion median income as reported by the U.S. Department of Housing and Urban Development. [Amended 2004 Town Meeting]
- G. To insure that the rate of growth of new dwelling units does not unreasonably interfere with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such growth, Planning Board shall limit the construction of new dwelling units approved under this ordinance to no more than 120 dwelling units per year. No more than 20 single family detached units or 50 multi-family units shall be allowed in any one project per year. [Added 2004 Town Meeting]

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